

**S.R. 365** - By Senator Doggett: Extending congratulations to Bedichek Junior High School.

**S.R. 366** - By Senator Doggett: Extending congratulations to Martin Junior High School.

**S.R. 367** - By Senator Doggett: Extending congratulations to Pearce Junior High School.

**S.R. 368** - By Senator Doggett: Extending congratulations to Porter Junior High School.

**S.R. 369** - By Senator Adams: Extending congratulations to City of Terrell.

**S.R. 370** - By Senator Harrington: Extending welcome to Gary Steven Willis.

**S.R. 371** - By Senator Doggett: Extending congratulations to Burnet Junior High School.

**S.R. 373** - By Senator Mauzy: Extending welcome to Camp Fire Girls of America Discovery Club of Dallas.

#### **ADJOURNMENT**

On motion of Senator Aikin the Senate at 4:55 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### **APPENDIX**

##### **Sent to Governor**

**(April 1, 1975)**

**S.B. 399**

**S.B. 70**

##### **Sent to Comptroller**

**S.B. 70**

**FORTY-SIXTH DAY**  
**(Wednesday, April 2, 1975)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson, Tracer and Williams.

Absent-excused: Moore and Ogg.

A quorum was announced present.

The Reverend Doyle W. Morton, Faith United Methodist Church, Austin, Texas, offered the invocation as follows:

Our Father God, we are grateful to You for life and all of its opportunities. We thank You for this great Country in which we live. We also thank You that we are privileged to work with You in creative activity. Forgive us because we do not always take our stewardship seriously.

Bless this Senate with Your love and guidance. May each senator be conscious of Your presence in what is done. Help them to be aware of the needs of the people they serve. Give them the vision and courage to lead all of our people into greater living.

We pray for all of the people of the world, especially those who suffer from hunger, sickness, or loneliness. Lead us to overcome injustice.

These things we ask in the name of Jesus Christ. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### **LEAVES OF ABSENCE**

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator Williams.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator McKnight.

#### **REPORTS OF STANDING COMMITTEES**

Senator Aikin submitted the following reports for the Committee on Finance:

**S.B. 609**

**S.B. 561**

Senator Mauzy submitted the following report for the Committee on Education:

**H.B. 485**

Senator Adams submitted the following reports for the Committee on Administration:

**S.C.R. 42**

**H.C.R. 26**

**S.C.R. 34**

**S.C.R. 43**

**S.B. 993 (Amended)**

**S.C.R. 38**

**SENATE BILLS ON FIRST READING**

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

By Senator Sherman:

**S.B. 1014**, A bill to be entitled An Act relating to financial assistance for needy students enrolled in institutions of higher education; amending Chapter 61, Texas Education Code, by adding Subchapter G; repealing Subsection (f) of Section 54.503, Section 54.101, and Section 54.206, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Traeger:

**S.B. 1016**, A bill to be entitled An Act relating to tuition exemptions for members of the national guard who attend state-supported institutions of higher education; amending Chapter 54, Texas Education Code, by adding Section 54.210; and declaring an emergency.

To Committee on Education.

By Senators Jones and Creighton:

**S.B. 1017**, A bill to be entitled An Act relating to the authority of junior college districts to offer courses at branch campuses, centers, or extension facilities; amending Subsection (d), Section 130.086, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Sherman:

**S.B. 1018**, A bill to be entitled An Act relating to fees charged by county clerks and county recorders; amending Article 3930, Revised Civil Statutes of Texas, 1925, as amended; and repealing Subsection (2), Article 3930a-1, Revised Civil Statutes of Texas, 1925, as added; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Sherman:

**S.B. 1019**, A bill to be entitled An Act relating to scholarship funds for needy students at institutions of higher education; amending Subsection (m), Section 54.051, Texas Education Code, as amended; and declaring an emergency.  
To Committee on Education.

#### **NOTICE OF EXECUTIVE SESSION**

Senator McKinnon gave notice that he would move for an Executive Session of the Senate at 11:00 o'clock a.m. tomorrow.

#### **CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 31**

On motion of Senator Andujar and by unanimous consent, Senator Sherman will be shown as Co-author of **S.C.R. 31**.

#### **CO-AUTHOR OF SENATE BILL 2**

On motion of Senator Gammage and by unanimous consent, Senator McKinnon will be shown as Co-author of **S.B. 2**.

#### **MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, April 2, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 1188**, A bill to be entitled An Act relating to setting forth in a complaint, information, or indictment the citation of the statute, ordinance, rule, or order the accused is alleged to have violated; amending Article 15.05, Article 21.02, Article 21.21, and Article 45.17, Code of Criminal Procedure, 1965; and declaring an emergency.

Respectfully submitted,  
**DOROTHY HALLMAN**  
Chief Clerk, House of Representatives

#### **COMMITTEE SUBSTITUTE HOUSE BILL 679 ON SECOND READING**

The President laid before the Senate on its second reading and passage to third reading:

**C.S.H.B. 679**, A bill to be entitled An Act requiring certain political parties to hold presidential primary elections and prescribing the method for selecting delegates to national nominating conventions of those parties; prescribing a criminal penalty;

amending the Texas Election Code by adding Section 235a; and declaring an emergency.

The bill was read second time.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 2c, page 2, line 1 by adding following "state" and before "be" the word "to".

The amendment was read and was adopted..

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 4a, page 2, line 24 by striking the word "each" and substituting the word "any".

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 4a, page 2, line 24 by adding following "congressional district" and before "by a slate" to read as follows:  
"of his choice".

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 4a, page 2, lines 29-31 by striking everything following "congressional district" and before "Not later than" and substituting to read as follows:

"in which he wishes to be represented on the ballot by delegate nominees. These committees shall consist of not fewer than 10 registered voters of the district and will be responsible for choosing the slates of nominees who will represent the candidate on the ballot".

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 4b, page 2, lines 38-39 by striking everything following "selection committee" and before "shall meet" and substituting to read as follows:

"selection committees".

The amendment was read.

Senator Adams asked unanimous consent to strike the word "following" and to insert "beginning with the words" between the words "everything" and "selection committee".

There was no objection.

The amendment as amended was then adopted.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 4c, page 2, lines 57-58 by striking all following "state party chairman" and before "that inclement weather."

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 4d, page 2, line 62 by striking the word "attend" and substituting "participate in".

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 4(f)(2), page 3, line 16 by striking the words "for each" and substituting the words "in any".

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 4g, page 3, line 38 by adding following "is pledged" and before "and the number" to read as follows:  
" , designating a nominee's unpledged status".

The amendment was read and was adopted.

Senator Clower offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 6d, page 4, line 60 by adding following "style and size" and before "The Secretary of State" to read as follows:  
"; provided, however, that the names of all delegate candidates shall be printed in capital and lower case letters, 8 point type, and the names of all presidential candidates shall be printed in capital letters, bold-face, 8 point type."

The amendment was read.

On motion of Senator Clower and by unanimous consent, the amendment was withdrawn.

Senator Meier offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 3, to read as follows:  
"Subdivision 3. Method for appearing as a presidential candidate and qualifications. (a) Any person eligible to hold the office of President of the United States may qualify to participate as a presidential candidate in the primary of the party of his choice.  
"(b) In order that a candidate's name appear in the direct presidential preference portion of the primary ballot, one or more of the following qualifications

must be met:

"(1) The candidate may have qualified by filing a signed, acknowledged application with the state chairman of the party, not later than 6 p.m. on the first Monday in February preceding the primary, and by filing at the same time a duplicate copy of the application with the secretary of state. The secretary of state shall prescribe the form of the application.

"(2) The candidate's name shall be included in the presidential preference portion of the primary ballot provided a majority of the party executive committee has certified the candidate as a major candidate and as being a serious contender for the party's presidential nomination at a public meeting of that executive committee held no later than 10 days prior to the first Monday in February and not earlier than the 15th of the January next preceding. The chairman of the party executive committee involved shall certify to the secretary of state the names of all candidates to be placed on the primary ballot under this subsection. In implementing this subdivision, the party executive committee shall endeavor to afford the people of Texas a chance to vote directly upon all serious candidates for that party's nomination without regard to the candidate's desire to enter the primary of his own volition.

"(c) To participate in the delegates slate selection portion of the primary ballot, the candidate must file a signed, acknowledged application with the state chairman of the party, not later than 6 p.m. on the first Monday in February preceding the primary, and by filing at the same time a duplicate copy of the application with the secretary of state. The secretary of state shall prescribe the form of the application.

"(d) The voluntary application filed with the state chairman must be accompanied by a filing fee in the amount required for a candidate for governor in the general primary election or by a petition of voters meeting the requirements of a petition filed by a candidate for governor. Not later than the second Monday in February preceding the primary, the state chairman shall notify the secretary of state of any candidate who failed to comply with this paragraph.

"(e) No filing fee shall be required of a candidate whose name appears on the direct presidential preference portion of the primary ballot as a consequence of action of the state executive committee."

The amendment was read.

Senator Adams moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 19, Nays 10.

Yeas: Adams, Aikin, Clower, Creighton, Farabee, Gammage, Hance, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Andujar, Braecklein, Brooks, Doggett, Harrington, Harris, Mauzy, Meier, Mengden and Patman.

Absent-excused: Moore and Ogg.

Senator Clower offered the following amendment to the bill:

Amend C.S.H.B. 679, Subdivision 6d, page 4, line 60 by adding following "style and size" and before "The Secretary of State" to read as follows:

"; provided, however, that the names of all delegate candidates shall be printed in capital and lower case letters, 8 point type, and the names of all presidential candidates shall be printed in capital letters, bold-face, 8 point type."

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 679** by striking Section 2, page 7, lines 24-31 and renumbering the following section to conform.

The amendment was read and was adopted.

Senator Clower offered the following amendment to the bill:

Amend **C.S.H.B. 679**, Subdivision 9, page 6, line 2 by adding a new section (b) and renumbering the subsequent sections to read as follows:

“(b) Not later than 5 days prior to the opening of the state convention each presidential candidate and each uncommitted delegate selection committee, which has become entitled to a portion of the at-large delegates, must file with the chairman of the state party the names of a committee which is to meet with their respective delegate caucuses at the state convention for the purpose of screening and rejecting at-large delegates unacceptable to the presidential candidate or the uncommitted delegate selection committee. This screening committee is to consist of not fewer than 10 members, no 2 of whom are to be from the same electoral district; the chairman of the committee is to be appointed by the presidential candidate.”.

The amendment was read and was adopted.

Senator Gammage offered the following amendment to the bill:

Amend printed **C.S.H.B. 679** by striking lines 4 through 9 on page 6 and by substituting the following:

“Uncommitted delegates shall form separate caucuses according to the groups which they represent. Each caucus shall select that number of delegates which directly corresponds to that proportion of the total popular vote cast in the presidential primary for all delegate candidates who represented the presidential candidate or the uncommitted group that the caucus represents. Each caucus shall then select a number of alternates which is directly proportionate to the total number of delegates allotted to that caucus (i.e., the sum of the number of delegates elected at the primary and the number of delegates selected by the caucus).”

The amendment was read and was adopted.

Senator Harris offered the following amendment to the bill:

Amend printed **C.S.H.B. 679** by striking lines 10 through 16 on page 6 and by substituting the following:

“(c) When the computation of the number of delegates or alternates to be selected by each caucus results in a mixed number for any of the caucuses, the whole number to which each caucus is entitled shall be allocated to the caucus, and one additional delegate or alternate shall be allocated to the caucus having the highest fractional part of a unit, one to the caucus having the next highest fractional part, and so on in descending order until the total number is allocated.”

The amendment was read and was adopted.

Senator Andujar offered the following amendment to the bill:

Amend Subdivision 1 on page 1 by adding after the words "national convention" on line 26 the following:

"when the State Executive Committee of the political party votes by a majority to hold such a presidential primary. The procedural rules of the individual State Executive Committee shall apply to the Committee vote. The State Executive Committee shall report the results of its votes to the Secretary of State by January 2 of the presidential primary year."

The amendment was read.

Senator Adams moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Andujar, Braecklein and Traeger.

Absent-excused: Moore and Ogg.

Senator Mauzy offered the following amendment to the bill:

Amend printed Committee Substitute for House Bill 679 by striking "of this state" in line 30 on page 2 and substituting "of the district".

The amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend printed Committee Substitute for House Bill 679 by deleting Paragraph (c) of Subdivision 7, lines 22 through 25 on page 5.

The amendment was read.

Senator Adams moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 19, Nays 10.

Yeas: Adams, Aikin, Clower, Creighton, Farabee, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Andujar, Braecklein, Brooks, Doggett, Gammage, Harris, Mauzy, Mengden, Patman and Schwartz.

Absent-excused: Moore and Ogg.

Senator Gammage offered the following amendment to the bill:

Amend printed C.S.H.B. 679 as follows:

1. Strike Paragraph (c) of Subdivision 11, lines 9 through 16 on page 7.

2. Add the following sentence to Paragraph (b) of Subdivision 9, at line 9 on page 6: "All candidates for national convention delegate or alternate to be selected by a caucus pledged to a presidential candidate shall be subject to the approval of the presidential candidate."

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend printed Committee Substitute for House Bill 679 by adding a new subdivision to Section 235a, Texas Election Code, as contained in Section 1 of the bill, following line 23 on page 7, to read as follows:

"Subdivision 13. Pledge of support for presidential nominee. (a) To be eligible to participate in the selection of delegates to the national convention at the state convention, each delegate to the state convention must sign a pledge to support the nominees of that party for president and vice-president at the succeeding general election.

"(b) Each person elected as a delegate to the national convention at the primary election, and each person selected as a delegate or alternate to the national convention at the state convention, must sign a pledge to support the nominees of that party for president and vice-president at the succeeding general election. The pledge must be signed and filed with the state chairman not later than the 10th day after the date of the state convention. The state chairman shall keep the pledges on file, open to inspection by party members, until after the date of the general election. Failure to sign and file the pledge creates a vacancy in the position, to be filled as in the case of a delegate who is unable to serve and is also unable to select the alternate to serve in the delegate's place."

The amendment was read.

Senator Adams moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 19, Nays 10.

Yeas: Adams, Aikin, Clower, Creighton, Farabee, Hance, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Santiesteban, Sherman, Snelson and Traeger.

Nays: Andujar, Braecklein, Brooks, Doggett, Gammage, Harrington, Mauzy, Patman, Schwartz and Williams.

Absent-excused: Moore and Ogg.

Senator Schwartz offered the following amendment to the bill:

Amend printed Committee Substitute for House Bill 679 by changing "Sec. 3" to "Sec. 4" in line 32, page 7, and by inserting a new section in proper sequence, to read as follows:

"Sec. 3. Section 235a, Texas Election Code, added by Section 1 of this Act, is enacted as a temporary law and expires on December 31, 1976."

The amendment was read.

Senator Adams moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 15, Nays 14.

Yeas: Adams, Clower, Creighton, Farabee, Gammage, Hance, Jones, Lombardino, McKinnon, McKnight, Meier, Mengden, Santiesteban, Sherman and Snelson.

Nays: Aikin, Andujar, Braecklein, Brooks, Doggett, Harrington, Harris, Kothmann, Longoria, Mauzy, Patman, Schwartz, Traeger and Williams.

Absent-excused: Moore and Ogg.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.H.B. 679** at page 5 by rewording Subdivision 8(a) and (b) to read as follows:

"Subdivision 8. Uncommitted delegates. (a) Any registered voter or a group of registered voters who desire that a slate of uncommitted delegates should appear on the general primary ballot in his district, shall file a signed, acknowledged statement to that effect, which statement indicates the individual who is to be designated as temporary chairman of that particular caucus, with the state chairman of his party and a copy of such statement with the secretary of state not later than 6 p.m. on the first Monday in February preceding the primary. Each such statement must be accompanied by a filing fee or a petition such as is required by a candidate for governor, provided however, that such fee or petition is proportionate to the number of electoral districts from which all popularly elected delegates are to be chosen.

"(b) The temporary chairman shall be responsible for the publication of the time and place of a public meeting of registered voters in the district who are interested in that uncommitted delegate slate and for the purpose of selecting an uncommitted delegate selection committee, and a permanent chairman, who is to be elected from those chosen to comprise the committee. Those meetings shall be conducted in accordance with the rules of the respective state parties. Once elected, these delegate selection committees shall function in all respects as a committed delegate, selection committees. The chairman of each committee shall, within three days of the meeting, forward the names and addresses of the committee members to the secretary of state. The uncommitted delegate candidates shall be so designated on the ballot, and shall be governed by all the privileges and restrictions as a committed delegate candidate."

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend printed Committee Substitute for House Bill 679 as follows:

1. Strike Paragraph (a) of Subdivision 4, beginning on line 22, page 2, and ending on line 36, page 2, and substitute the following:

"(a) Each presidential candidate shall be represented on the primary ballot in such senatorial or congressional districts for which the candidate's delegate selection committee for the district files a slate of nominees for election as delegates to the national convention in a number not to exceed that which the state executive committee apportions to the district for election at the primary. Each presidential candidate shall appoint a delegate selection committee in each senatorial or congressional district in which the candidate desires to have delegate nominees to represent him on the primary ballot, consisting of not less than 10 citizens of the district, to choose the slate of nominees to represent the candidate on the ballot. Not later than the second Monday in February preceding the primary, the candidate shall file with the secretary of state the names and addresses of the persons appointed to the candidate's delegate selection

committees, one of whom the candidate shall designate to serve as the chairman of the committee in each senatorial or congressional district in which a committee is appointed."

2. In lines 38 and 39, page 2, change "for each senatorial or congressional district" to "for a senatorial or congressional district".

3. On page 3, line 6, insert "in which one or more nominees are chosen" after "district".

4. Insert the following sentence at the end of Paragraph (e) on page 3, line 8:  
"No additional nominees may be filed subsequent to that date, except where vacancies occur as described and provided for in Subdivision 5."

5. Insert the word "particular" after the word "any" in line 10, page 3, and strike the semicolon after the word "state" in line 11, page 3.

6. Insert "for the district" after "committee" in line 13, page 3.

7. Add the word "or" after the semicolon in line 14, page 3.

8. Strike lines 15 through 20, page 3, and substitute the following:

"(2) the chairman of the delegate selection committee for the district fails to file the names of the delegate nominees with the secretary of state within the prescribed time."

9. On page 3, strike the language beginning with "in each" in line 31 and ending with "primary," in line 33 and substitute the following:

"in that party's primary in each senatorial or congressional district in which the candidate is to be represented on the ballot."

The amendment was read.

Senator Adams moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 16, Nays 13.

Yeas: Adams, Aikin, Creighton, Farabee, Hance, Jones, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Santiesteban, Sherman, Snelson and Traeger.

Nays: Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Harris, Kothmann, Mauzy, Patman, Schwartz and Williams.

Absent-excused: Moore and Ogg.

Senator Mauzy offered the following amendment to the bill:

Amend printed Committee Substitute for House Bill 679 by inserting the paragraph designation "(a)" preceding "Parties" in line 19 on page 1 and by inserting the following immediately after line 28 on page 1:

"(b) To qualify to vote in the presidential primary of a political party, a person who is otherwise qualified to vote must affirm the voter's membership in the party at least 30 days before the presidential primary election by notifying the county registrar of voters, in person or by mail, that he or she is a member of that political party. The secretary of state shall prescribe a form which must be used by persons to declare their party affiliation. The voter registrar in each county shall certify to the party chairman of each county a list of persons in each election precinct who have registered as members of that party and who therefore are eligible to vote in the presidential primary election of the party."

The amendment was read.

Senator Adams moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 15, Nays 14.

Yeas: Adams, Aikin, Creighton, Farabee, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Santiesteban, Sherman, Snelson and Traeger.

Nays: Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Harris, Kothmann, Mauzy, McKnight, Patman, Schwartz and Williams.

Absent-excused: Moore and Ogg.

Senator Clower offered the following amendment to the bill:

Amend **C.S.H.B. 679** by striking everything after the enacting clause and substituting the following, to read as follows:

Section 1. The Texas Election Code is amended by adding Section 235a, to read as follows:

"235a. Presidential primaries; selection of delegates to national nominating conventions of parties holding primaries.

"Subdivision 1. Parties required to hold presidential primary. (a) Each party holding primary elections in this state in an election year during which a national convention of the party will be held for the purpose of nominating a candidate for President of the United States shall hold a presidential primary election, in conjunction with the general primary election on the first Saturday in May, at which election each voter of the party shall be given an opportunity to express a preference for one of the presidential candidates listed on the ballot to be the nominee of the party for president, or to vote as not preferring any candidate listed on the ballot (that is, to vote as being 'uncommitted'). The expenses of the presidential primary shall be paid in the same manner as the expenses of the general primary.

"(b) The voting delegates and alternates, exclusive of any ex officio delegates and their alternates, to represent this state at the national convention of the party shall be allocated to the candidates for the party's nomination for president (including an allocation for uncommitted voters) in accordance with the outcome of the presidential primary, as provided in Subdivision 7 of this section, and shall be chosen in the manner provided in Subdivision 8.

"Subdivision 2. Methods of placing name on ballot. The name of a candidate for a party's nomination for President of the United States may be printed on the ballot only (1) by direction of the secretary of state, as provided in Subdivision 3 of this section, or (2) on the filing of an application meeting the requirements of Subdivision 4. Write-in voting is not permitted in a presidential primary, but the ballot shall contain a space for the voter to vote 'uncommitted'.

"Subdivision 3. List of candidates prepared by secretary of state. (a) Not earlier than January 15 nor later than January 25 in each presidential election year, the secretary of state shall make his determination, in his sole discretion, as to the persons whose candidacy for the presidential nomination of each political party holding a presidential primary in this state is generally advocated or recognized in news media throughout the United States or in this state, and shall send to each such person, by registered or certified mail with return receipt requested, a notice that his name will be placed on the ballot for the presidential primary of the designated party unless the person files the document described in Paragraph (b) of this subdivision not later than the 60th day before the date of the primary. Not later than January 25, the secretary of state shall publicly announce by means of a news release the lists of candidates prepared by him, and thereafter he shall make the lists available to any interested person upon request.

“(b) The name of each person who is on a list of candidates prepared by the secretary of state shall be printed on the ballot of the designated party unless the person files with the secretary of state, not later than the 60th day before the date of the primary, a signed, acknowledged request that his name not be placed on the presidential primary ballot in this state.

“Subdivision 4. Application of candidate for place on ballot. (a) Any person who is eligible to hold the office of President of the United States may have his name printed on the ballot as a candidate in the presidential primary of the party of his choice by filing with the secretary of state, not later than the 65th day before the date of the primary, an application to be placed on the ballot and the supporting petition described in this subdivision.

“(b) The candidate must file with his application a petition requesting that his name be placed on the ballot, signed by qualified voters of this state equal in number to at least one-half of one percent of the votes cast in this state for the designated party's candidate for president in the last preceding presidential general election; or if the party did not have a presidential candidate in that election, the petition must contain signatures equal in number to at least one-half of one percent of the votes cast for the party's candidate for governor in the last preceding gubernatorial general election. The address and date of signing must be shown for each signer. Each signature must have been obtained not more than 120 days before the filing deadline.

“(c) The petition may be in multiple parts. To each part, which may consist of one or more sheets, there must be attached the affidavit of some registered voter, giving his address and stating that each signature appearing in that part of the petition was affixed in the presence of the affiant on the date shown in the petition, and that to the best knowledge and belief of the affiant, each signature is genuine and each person signing was a registered voter at the time of signing. A petition so verified is prima facie evidence that the signatures thereon are genuine and that the persons signing it are registered voters.

“Subdivision 5. Certification of candidates; ballot arrangement. (a) Not later than the 52nd day before the date of the election, the secretary of state shall certify to the state chairman of each party holding a presidential primary and to the officer in each county who is responsible for making up the primary ballot of that party, a list of the persons whose names are to be placed on the ballot as candidates for president in that party's primary.

“(b) The names of the candidates for presidential nomination shall be printed as the first race listed on the official ballot for the general primary under the following office title:

**“Preference for the Nomination for  
President of the United States”**

The order of the names of the candidates on the ballot shall be determined by lot in each county in the same manner as the names of other primary candidates. Following the names of the candidates, the designation 'Uncommitted' shall be listed on the ballot in the same manner as the name of a candidate.

“(c) When paper ballots are used, the following instruction note shall be printed beneath the office title and preceding the names of the candidates: 'Place an 'X' in the square beside the name of the candidate you prefer to be the presidential nominee; or place an 'X' in the square beside the designation of 'Uncommitted' if you do not wish to vote for any of the candidates listed on the ballot.' Appropriate changes shall be made in the wording of ballots for voting machines and electronic voting systems, consistent with the method of voting used.

“(e) Votes cast for the 'uncommitted' designation shall be counted and return made thereof in the same manner as votes cast for a named candidate.

“Subdivision 6. Canvass of returns. (a) The precinct returns in a presidential primary shall be canvassed in accordance with the rules applicable to the returns for state and district offices in the general primary election. Within the same time interval

that the county primary canvass for state and district offices is forwarded for canvassing at the state level, the officer responsible for forwarding the county canvass shall mail a canvass of the returns for president to the secretary of state.

"(b) Not later than the seventh day after the county canvass, the secretary of state shall canvass the statewide returns in the presidential primary and shall certify the results of each party's primary to the state chairman of that party.

"Subdivision 7. Allocation of delegates to candidates. (a) For the purposes of this subdivision, the words 'candidate' and 'candidates' include the 'uncommitted' designation as well as the named candidates. The number of national convention delegates and alternates apportioned to this state shall be allocated to the candidates in accordance with the outcome of the party's presidential primary in direct proportion to the statewide number of votes each candidate receives in the primary. Any candidate who receives less than fifteen percent of the votes shall be eliminated from the computation, and the delegates and alternates shall be prorated among the remaining candidates. When the computation results in a mixed number for any of the candidates, the whole number to which each candidate is entitled shall be allocated to him, and one additional delegate shall be allocated to the candidate having the highest fractional part of a unit, one to the candidate having the next highest fractional part, and so on in descending order, until the total number is allocated.

"(b) If a candidate in the primary dies or withdraws before the date of the state convention, delegates and alternates in the number to which that candidate would have been entitled shall be allocated, to be selected at the state convention as an uncommitted delegation in a separate category from the uncommitted delegation allocated on the basis of the uncommitted votes cast in the primary, and the delegates and alternates chosen under the allocation shall be from among those persons who were supporters of the deceased or withdrawn candidate.

"Subdivision 8. Selection of delegates. (a) Delegates and alternates to the national convention shall be selected by the state convention or subdivisions thereof, in a manner consistent with state and national party rules. The delegates and alternates allocated to a named candidate shall be bona fide supporters of the candidate for whom they are chosen and shall be subject to the approval of the candidate.

"(b) The list of delegates and alternates selected by the state convention shall be filed with the secretary of state not later than the 10th day after the date of the state convention. The permanent chairman of the convention is responsible for compliance with this requirement.

"Subdivision 9. Vacancies in the delegation. A delegate to the national convention who is to be absent or resigns shall select from among the alternates of his or her geographical subdivision, if possible, or at large, the particular alternate of the same presidential preference or uncommitted status who shall take his or her place. If, due to death or disability, a delegate is unable to select the alternate to take his or her place, that selection shall be made by the delegation. The alternate selected shall be of the same presidential preference or uncommitted status and, if possible, from the same geographical subdivision as the delegate replaced. A vacant alternate position shall be filled by the delegation and the replacement shall be of the same presidential preference or uncommitted status and from the same geographical subdivision.

"Subdivision 10. Pledge of support for candidate. A person who is selected as a delegate or alternate to represent a named presidential candidate at the national convention becomes pledged by law to support the candidate that he was selected to support, until that candidate is nominated by the convention, receives less than 25 percent of the votes for nomination during any balloting at the convention, or releases the delegate from his pledge.

"Subdivision 11. Death or withdrawal of candidate. If a candidate dies or withdraws after the date of the state convention, the delegates and alternates pledged to that candidate become uncommitted delegates and alternates to the national convention."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended; and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Adams moved to table the amendment.

The motion to table prevailed.

#### RECORD OF VOTES

Senators Mauzy, Meier, Patman, Clower, Braecklein and Mengden asked to be recorded as voting "Nay" on the motion to table the amendment.

Senator McKinnon moved to reconsider the vote by which the amendment by Senator Schwartz was tabled.

Senator Meier raised the Point of Order that under Senate Rule 23 a motion to reconsider was not in order when a motion to table had prevailed.

The President sustained the Point of Order.

Senator Schwartz offered the following amendment to the bill:

Amend printed Committee Substitute for House Bill 679 by changing "Sec. 3" to "Sec. 4" in line 32, page 7, and by inserting a new section in proper sequence, to read as follows:

"Sec. 3. Section 235a, Texas Election Code, added by Section 1 of this Act, is enacted as a temporary law and expires on December 30, 1976."

The amendment was read.

Senator Adams raised the Point of Order that the amendment was not in order as it is substantially the same as an amendment previously defeated at the same stage of the bill.

The President sustained the Point of Order.

Senator Schwartz offered the following amendment to the bill:

Amend printed Committee Substitute for House Bill 679 by changing "Sec. 3" to "Sec. 4" in line 32, page 7, and by inserting a new section in proper sequence, to read as follows:

"Sec. 3. Section 235a, Texas Election Code, added by Section 1 of this Act, is enacted as a temporary law and expires on March 1, 1977."

The amendment was read.

Senator Adams moved to table the amendment.

The motion to table was lost by the following vote: Yeas 13, Nays 16.

Yeas: Adams, Creighton, Farabee, Gammage, Hance, Jones, Lombardino, McKnight, Meier, Mengden, Santiesteban, Sherman and Snelson.

Nays: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Harrington, Harris, Kothmann, Longoria, Mauzy, McKinnon, Patman, Schwartz, Traeger and Williams.

Absent-excused: Moore and Ogg.

Question recurring on the adoption of the amendment, the amendment was adopted by the following vote: Yeas 16, Nays 13.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Harrington, Harris, Kothmann, Longoria, Mauzy, McKinnon, Patman, Schwartz, Traeger and Williams.

Nays: Adams, Creighton, Farabee, Gammage, Hance, Jones, Lombardino, McKnight, Meier, Mengden, Santiesteban, Sherman and Snelson.

Absent-excused: Moore and Ogg.

On motion of Senator Adams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### RECORD OF VOTES

Senators Patman, Harris, Brooks, Mauzy, Braecklein and Andujar asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

#### BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

**S.B. 301**

**S.B. 400**

#### NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Thursday, April 3, 1975

**H.B. 485** - Senator Snelson

**C.S.H.B. 679** - Senator Adams (Third reading)

**S.B. 29** - Senator Harrington

**C.S.S.B. 69** - Senator Moore

**C.S.S.B. 109** - Senator Mauzy

C.S.S.B. 110 - Senator Mauzy  
S.B. 179 - Senator Harrington  
S.B. 193 - Senator Snelson  
S.B. 196 - Senator Santiesteban  
S.B. 228 - Senator Moore  
S.B. 247 - Senator Farabee  
S.B. 257 - Senator Mauzy  
C.S.S.B. 262 - Senator Doggett  
C.S.S.B. 270 - Senator Doggett  
C.S.S.B. 319 - Senator Patman  
C.S.S.B. 348 - Senator Braecklein  
C.S.S.B. 397 - Senator Doggett  
S.B. 405 - Senator Sherman  
C.S.S.B. 415 - Senator Andujar  
S.B. 459 - Senator Sherman  
C.S.S.B. 472 - Senator Schwartz  
S.B. 490 - Senator Jones  
S.B. 520 - Senator Mauzy  
S.B. 527 - Senator Harrington  
S.B. 529 - Senator Traeger  
S.B. 544 - Senator Farabee  
S.B. 561 - Senator Schwartz  
S.B. 595 - Senator Jones  
S.B. 756 - Senator Creighton  
C.S.S.B. 761 - Senator McKnight (Unfinished business)  
C.S.S.B. 762 - Senator McKnight  
S.B. 834 - Senator Moore  
S.B. 924 - Senator Moore  
S.B. 986 - Senator Moore

Tuesday, April 8, 1975

C.S.S.B. 244 - Senator Ogg

#### WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 51 - By Senator Andujar: Proclaiming "WASP Week" in Texas for WW II women pilots.

S.R. 374 - By Senator Creighton: Extending congratulations to Dayspring Singers of Mineral Wells.

S.R. 375 - By Senator McKinnon: Designating Tony Bishop as an "honorary page".

S.R. 376 - By Senator Clower: Extending welcome to Mrs. Lillian Clower.

#### RECESS

On motion of Senator Aikin the Senate at 1:15 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

**APPENDIX**

**Sent to Governor**

**(April 2, 1975)**

**S.B. 400**

**S.B. 301**

**FORTY-SIXTH DAY**  
(Continued)  
(Thursday, April 3, 1975)

**AFTER RECESS**

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Adams.

**LEAVE OF ABSENCE**

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator Williams.

**JURISPRUDENCE COMMITTEE GRANTED PERMISSION TO MEET  
WHILE SENATE IN SESSION**

On motion of Senator Schwartz and by unanimous consent, the Committee on Jurisprudence was granted permission to meet while the Senate was in session.

**NATURAL RESOURCES COMMITTEE GRANTED PERMISSION TO MEET  
WHILE SENATE IN SESSION**

On motion of Senator Sherman and by unanimous consent, the Committee on Natural Resources was granted permission to meet while the Senate was in session.

**INTERGOVERNMENTAL RELATIONS COMMITTEE GRANTED  
PERMISSION TO MEET  
WHILE SENATE IN SESSION**

On motion of Senator Snelson and by unanimous consent, the Committee on Intergovernmental Relations was granted permission to meet while the Senate was in session.

**LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Adams in the Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 170.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

**S.B. 147** (Jones)(30-0)(30-0)

**S.B. 152** (Jones)(30-0)(30-0)

**S.B. 224** (Farabee)(30-0)(30-0)

**S.B. 226** (Patman)(30-0)(30-0)

**S.B. 230** (Adams)(30-0)(30-0)

**S.B. 231** (Adams)(30-0)(30-0)

**S.B. 264** (Farabee)(30-0)(30-0)

**S.B. 283** (McKinnon)(30-0)(30-0)

**S.B. 303** (Farabee)(30-0)(30-0)

**S.B. 326** (McKinnon)(30-0)(30-0)

**S.B. 327** (McKinnon)(30-0)(30-0)

**S.B. 332** (Harrington)(30-0)(30-0)

**S.B. 356** (Adams)(30-0)(30-0)

**S.B. 359** (McKinnon)(30-0)(30-0)

**S.B. 444** (Farabee)(30-0)(30-0)

**S.B. 462** (Santiesteban)(30-0)(30-0)

**S.B. 498** (Mauzy)(30-0)(30-0)

**S.B. 543** (Jones)(30-0)(30-0)

**S.B. 654** (Santiesteban)(30-0)(30-0)

**S.B. 677** (Creighton)(30-0)(30-0)

**S.B. 687** (Moore)(30-0)(30-0)

**S.B. 994** (Moore)(30-0)(30-0)

**H.C.R. 26** (Snelson)(30-0)

**S.C.R. 34** (Mengden)(30-0)

**S.C.R. 42** (Longoria)(30-0)

**S.C.R. 43 (Gammage)(30-0)**

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage.)

**H.B. 719 (Schwartz)—**

Senator Schwartz offered the following Committee Amendment to the bill:

Amend House Bill 719 by adding a new Section 2 as follows and renumbering the present Sections 2 and 3 accordingly:

"Sec. 2. Section 2, Chapter 246, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5069-13.02, Vernon's Texas Civil Statutes), is amended by adding Subsections (d) and (e) to read as follows:

"(d) Use of the forms and notices of the right to cancel prescribed by the Federal Trade Commission's trade regulation rule providing a cooling-off period for door-to-door sales constitutes compliance with this section.

"(e) A home solicitation sale in which the contract price does not exceed \$200 complies with the notice requirements of this Act if:

"(1) the consumer may at any time cancel the order, refuse to accept delivery of the goods without incurring any obligation to pay for them, or return the goods to the merchant and receive a full refund of the amount the consumer has paid; and

"(2) the consumer's right to cancel the order, refuse delivery, or return the goods without obligation or charge at any time is clearly and conspicuously set forth on the face or reverse side of the sales ticket."

The Committee Amendment was read and was adopted.

Senator Schwartz offered the following Committee Amendment to the bill:

Amend House Bill 719 by striking all above the enacting clause and substituting the following:

**"A BILL TO BE ENTITLED****AN ACT**

"relating to home solicitation transactions; amending Section 1 and 2, Chapter 246, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5069-13.01 and 13.02, Vernon's Texas Civil Statutes); and declaring an emergency."

The Committee Amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0) (30-0)

**S.B. 153 (Jones)—**

Senator Jones offered the following Committee Amendment to the bill:

Amend S.B. 153, by striking Section 1 and substituting in lieu thereof the following:

"Section 1. Section 3, Chapter 177, Acts of the 39th Legislature, Regular Session, 1925, as amended (Article 923m, Vernon's Texas Penal Code), is amended to read as follows:

"Section 3. The possession of green or undried pelts of fur-bearing animals after the time specified by this Section by a trapper or retail fur buyer is prima facie evidence of a violation of this Act:

"(A) All fur-bearing animals except muskrats:

"(1) February 5 of any year by a licensed resident or nonresident trapper;

"(2) February 15 of any year by a licensed retail buyer;

"(B) Muskrats:

"(1) March 20 of any year by a licensed resident or nonresident trapper;

"(2) March 30 of any year by a licensed retail buyer."

The Committee Amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

**S.B. 329** (McKinnon)--

Senator McKinnon offered the following Committee Amendment to the bill:

#### COMMITTEE AMENDMENT NO. 1

Amend Senate Bill 329 by bracketing and lining through the second sentence in Subsection (b) of quoted Section 51.005.

The Committee Amendment was read and was adopted.

On motion of Senator McKinnon and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0)(30-0)

**S.B. 640** (McKnight)—

Senator McKnight offered the following Committee Amendment to the bill:

Section 27(e) of **S.B. 640** is hereby amended by the deletion on line 9, page 3 of the word "water" and the insertion in lieu thereof of the word "waste".

The Committee Amendment was read and was adopted.

Senator McKnight offered the following Committee Amendment to the bill:

Section 27(f) of **S.B. 640** is hereby amended by the deletion on page 3, lines 19 and 20, of the words "and the control and abatement".

The Committee Amendment was read and was adopted.

Senator McKnight offered the following Committee Amendment to the bill:

Section 27(h) of **S.B. 640** is hereby amended by the deletion on lines 11 and 12 of page 4 of the words "and operation" and the insertion in lieu thereof of the words "operation, lease or sale".